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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,782	08/21/2001	Cornelius Wilhelmus Antonius Marie Van Overveld	NL000465	6741

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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EXAMINER

HIRL, JOSEPH P

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/933,782

Applicant(s)

VAN OVERVELD, CORNELIUS
WILHELMUS ANTON

Examiner

Joseph P. Hirl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered October 21, 2003 for the patent application 09/933,782 filed on August 21, 2001.
2. The First Office Action of July 29, 2003 is fully incorporated into this Final Office Action by reference.
3. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.
4. Examiner's Opinion: Applicant is encouraged to fully understand the Examiner's obligation under para 3 above. Within that perspective, the art of Suzuki fully anticipates the applicant's invention.

Status of Claims

5. Claims 1-7, 9-10 are amended. Claims 11-25 are new. Claims 1-25 are pending.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 14, 15 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification is silent in the use of terms "compatibility distances", "preference weights" and "beyond the inventory".

Response to Arguments

8. Applicant's arguments filed on October 21, 2003 related to Claims 1-25 have been fully considered but are not persuasive.

In reference to Applicant's argument:

Claims 1-24 are pending in this application. Claims 11-25 are newly added.

Examiner's response:

Examiner believes that Claims 1-25 are pending in this application.

In reference to Applicant's argument:

Independent claims 1 and 2, upon which claims 3- 10 depend, specifically recite a method and system that presents recommendations for a piece of clothing to a user, based on the user's updated clothing profile.

Suzuki teaches a system that recognizes merchandise taken into a fitting room by a customer, and notifies a store clerk of this information, along with a recommendation of other items of potential interest to this customer. Of particular note, Suzuki does not teach a system that presents this information to the user, as specifically claimed by the Applicant. Suzuki's system is a sales-aid; the Applicant's system is a users-aid.

Examiner's response:

Para 3 above applies. Suzuki (c 2, lines 19-20) will "...provide recommendations of other items..." Sales are made to the user.

In reference to Applicant's argument:

With specific regard to claims 3 and 4, the Applicant claims forming a collection of subsets of plural pieces (claim 3), and eliminating unsuitable subsets from the collection (claim 4). Suzuki is silent with regard to forming a collection of subsets of pieces, and silent with regard to eliminating unsuitable subsets.

Examiner's response:

Para 3 above applies. Suzuki (c 6, line 67; c 7, lines 1-4) establishes recommendations related to products with a similar style, i.e. subsets. Elimination of subsets follows to the converse of recommendations.

In reference to Applicant's argument:

With specific regard to claims 6 and 7, the Applicant claims input means for inputting a purpose for which a piece of clothing was selected (claim 6), including determining the purpose based on an appointment in

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an electronic calendar (claim 7). Suzuki is silent with regard to inputting the purpose of a user's selection, and is silent with regard to determining the purpose based on an appointment in a calendar.

Examiner's response:

Para 3 above applies. Suzuki (c 2, lines 40-45) recommends items based on style which establishes a purpose for selecting. Suzuki (c 8, lines 58-60) establishes recommendations based on trial history which would include an electronic calendar since Suzuki is computer implemented.

In reference to Applicant's argument:

With specific regard to claim 9, the Applicant claims rendering a representation of the selected piece of clothing to the user. Suzuki is silent with regard to rendering a representation of the piece of clothing, and silent with rendering the representation to the user.

Examiner's response:

Para 3 above applies. First Office Action applies. Suzuki (c 7, line 8).

In reference to Applicant's argument:

Claim 11 specifically claims a method that includes maintaining an inventory of apparel possessed by a user, and presenting a subset of apparel in the inventory that suitably forms an ensemble. Claim 16 claims a corresponding system.

As noted by the Applicant, choosing a set of apparel to form a suitable ensemble from amongst the totality of apparel possessed by a typical user can be a combinatorial challenging task, and the Applicant provides a method and system that eases this task for a user.

Examiner's response:

Para 3 above applies. Suzuki anticipates using the AR engine(c 8, lines 43-67).

In reference to Applicant's argument:

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As noted above, Suzuki does not teach presenting recommendations to a user. Further, Suzuki does not address forming a subset of apparel suitable for forming an ensemble. Suzuki addresses identifying items based on items that a user brings into a fitting room, and/or based on items that a user has previously purchased. If the user brings a few skirts and a dress into the dressing room, for example, Suzuki's system will likely identify other skirts and dresses, as well as blouses, scarves, etc. that match any of these items. Although one or more of the items that Suzuki's system recommends may be suitable for forming an ensemble with one or more of the items that the user brought into the fitting room, Suzuki leaves the determination of such combinations/subsets to the user and/or the store clerk. In effect, Suzuki further complicates the user's combinatorially complex problem by increasing the number of items that can be combinatorially combined.

Examiner's response:

Para 3 above applies. Suzuki anticipates using the AR engine and brand analysis module (c 8, lines 43-67). Applicant agrees that Suzuki forms subsets/ensembles.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

10. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki (U. S. Patent 6,313,745, referred to as **Suzuki**).

Claim 1

Suzuki anticipates maintaining a clothing profile (**Suzuki**, col 2, lines 10-23), detecting a piece of clothing being selected and updating the clothing profile based on said selection (**Suzuki**, col 2, lines 10-23), generating the recommendation from the

updated clothing profile (**Suzuki**, col 2, lines 10-23) and providing the recommendation to the user (**Suzuki**, col 2, lines 10-23).

Claim 2

Suzuki anticipates user profiling means for maintaining a clothing profile (**Suzuki**, col 2, lines 10-23), detection means for detecting a piece of clothing being selected (**Suzuki**, col 2, lines 10-23), coupled to the user profiling means (302) for updating the clothing profile based on the selected piece of clothing (**Suzuki**, col 5, lines 18-33), recommendation means for generating a recommendation from the updated clothing profile (**Suzuki**, col 6, lines 57-59), and presentation means for presenting the recommendation to the user (**Suzuki**, col 7, lines 4-9).

Claim 3

Suzuki anticipates determining a list of available pieces of clothing (**Suzuki**, col 7, lines 4-9), combining plural pieces from the list to form a collection of subsets, the recommendation comprising at least one subset from the collection of subsets (**Suzuki**, col 7, lines 4-7).

Claim 4

Suzuki anticipates the recommendation means is arranged to eliminate from the collection a number of subsets that are not suitable for a present situation (**Suzuki**, col 6, lines 60-67).

Claim 5

Suzuki anticipates wherein the user profiling means are coupled to smart card read/write means for maintaining the clothing profile stored on a smart card (**Suzuki**, col 5, lines 18-33).

Claim 6

Suzuki anticipates input means for determining a purpose for which the piece of clothing has been selected (**Suzuki**, col 2, lines 25-39), the user means being arranged for updating the clothing profile further based on the determined purpose (**Suzuki**, col 5, lines 18-33; col 8, lines 36-42).

Claim 7

Suzuki anticipates the input means is arranged to determine the purpose based on an appointment in an electronic calendar (**Suzuki**, col 8, lines 43-57).

Claim 8

Suzuki anticipates presenting a targeted clothing advertisement to a user, comprising obtaining a clothing profile for the user, determining a clothing product that matches the clothing profile, and sending an identifier of the clothing product to the user (**Suzuki**, col 6, lines 60-67; col 7, lines 1-9).

Claim 9

Suzuki anticipates generating a representation of the clothing product using the identifier and rendering the representation to the user (**Suzuki**, col 6, lines 60-67; col 7, lines 1-9).

Claim 10

Suzuki anticipates the clothing profile is obtained by reading the clothing profile from a smart card (**Suzuki**, col 5, lines 19-32).

Claims 11, 16

Suzuki anticipates maintaining an inventory of apparel possessed by the user (**Suzuki**, col 8, lines 43-67; Examiner's Note (EN): record of user's apparel (inventory) is maintained), determining one or more subsets of apparel from the inventory suitable for forming the ensemble (**Suzuki**, col 8, lines 43-67; EN: para 3 applies; subset is formed around past purchases), presenting at least one of the one or more subsets of apparel to the user (**Suzuki**, col 8, lines 43-67; EN: for displays, see Suzuki at Fig. 1).

Claims 12, 18

Suzuki anticipates determining the one or more subsets suitable for forming the ensemble is based on at least one of a user preference (**Suzuki**, col 8, lines 43-67), current fashion (**Suzuki**, col 9, lines 1-8), a dress code (**Suzuki**, col 9, lines 1-8), and prior selected ensembles (**Suzuki**, col 8, lines 43-67).

Claims 13, 19

Suzuki anticipates determining the one or more subsets suitable for forming the ensemble is based on at least one of; a dominant color of the ensemble (**Suzuki**, col 8, lines 43-67), a color of each apparel in the subset (**Suzuki**, col 8, lines 43-67), a dominant style of the ensemble (**Suzuki**, col 9, lines 1-8), a time of year for wearing the ensemble (**Suzuki**, col 9, lines 1-8), a time of day for wearing the ensemble (**Suzuki**, col 9, lines 1-8), and current environmental conditions (**Suzuki**, col 9, lines 1-8).

Claims 14, 20

Suzuki anticipates determining the one or more subsets suitable for forming the ensemble includes at least one of: applying one or more rules (**Suzuki**, col 6, lines 51-67; col 7, lines 1-9; EN: AR engine has rules), determining one or more compatibility distances (**Suzuki**, col 8, lines 43-67; EN: compatibility distances is not enabled), determining one or more preference weights (**Suzuki**, col 8, lines 43-67; EN: preference weights is not enabled), and modifying parameters used for determining the one or more subsets based on prior user selections (**Suzuki**, col 8, lines 43-67; EN: to one of ordinary skill in the art, the AR engine modifies parameters).

Claim 15

Suzuki anticipates identifying an apparel item from beyond the inventory that would form another subset suitable for forming the ensemble if combined with apparel in the inventory (**Suzuki**, col 8, lines 43-67; EN: "beyond the inventory" is not enabled).

Claim 17

Suzuki anticipates at least some of the apparel includes a tag that identifies the apparel to the inventory system (**Suzuki**, Abstract).

Claim 21

Suzuki anticipates a network interface that is configured to facilitate receipt of advertisements for other apparel (**Suzuki**, Fig. 1; col 8, lines 43-67; EN: para 3 applies; advertisements is nothing more than representing a product for sale), the processor is further configured to filter the advertisements based on whether the other apparel forms

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another subset suitable for forming another ensemble if combined with apparel in the inventory (**Suzuki**, col 8, lines 43-67; EN: performed by the AR engine), and the display is further configured to present the another subset to the user (**Suzuki**, Fig. 1; col 8, lines 43-67).

Claim 22

Suzuki anticipates an input device that facilitates a purchase of the other apparel in the another subset by the user (**Suzuki**, Fig. 1; col 8, lines 43-67).

Claim 23

Suzuki anticipates a smart card read/write device, and wherein the processor is further configured to transfer some or all of the inventory of apparel to a smart card via the smart card read/write device (**Suzuki**, col 5, lines 18-32).

Claim 24

Suzuki anticipates the processor is further configured to transfer one or more user preferences to the smart card via the smart card read/write device (**Suzuki**, col 5, lines 18-32).

Claim 24

Suzuki anticipates the system is further configured to detect an initial selection of a first apparel item (**Suzuki**, col 8, lines 43-67), and the processor is configured to identify the one or more subsets based on this initial selection (**Suzuki**, col 8, lines 43-67),

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Claims 1-25 are rejected.

Correspondence Information

13. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (703) 305-1668. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anil Khatri can be reached at (703) 305-0282.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,
Washington, D. C. 20231;

or faxed to:

(703) 746-7239 (for formal communications intended for entry);

or faxed to:

(703) 746-7290 (for informal or draft communications with notation of "Proposed" or "Draft" for the desk of the Examiner).

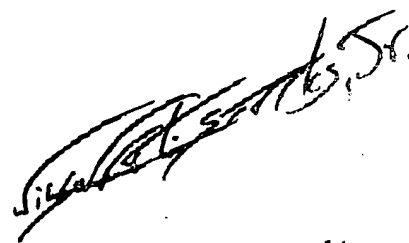
Hand-delivered responses should be brought to:

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Joseph P. Hirl



January 22, 2004



Wilbert L. Starks, Jr.
Primary Examiner
Art Unit - 2121